

LAW OFFICES OF
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May 29, 2009

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Honorable Anne K. Quinlan
Acting Secretary
Surface Transportation Board
Washington, DC 20423

RECORDATION NO.

24582-A FILED

MAY 29 '09 -11 4 5 AM

Dear Acting Secretary Quinlan:

SURFACE TRANSPORTATION BOARD

I have enclosed for filing the document described below, to be recorded pursuant to §11301. This document is a Lease Termination, a secondary document dated May 28, 2009. The primary document to which this is connected is recorded under Recordation No. 24582. We request that this document be recorded under Recordation No. 24582-A.

The names and addresses of the parties to the Lease Termination are:

Lessor: Banc of America Leasing & Capital, LLC, 2059 Northlake Parkway, 4 South, Tucker, GA 30084.

Lessee: DAK Americas LLC, 6324 Fairview Road, Charlotte, NC 28210.

A description of the equipment covered by the Lease Termination follows: 267 covered hopper cars numbered DAKX 45001-45037, inclusive, 45039-45060, inclusive, 45062-45081, inclusive, 45083-45093, inclusive, 45095-45146, inclusive, 45148-45184, inclusive, 45186-45252, inclusive, and 45254-45274, inclusive; and 13 tank cars numbered DAKX 29902, 29911-29917, inclusive, and 29919-29923, inclusive.

A fee of \$41.00 is enclosed. Please return one copy by email to Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, Lou_Gitomer@verizon.net.

A short summary of the document to appear in the index follows: a Lease Termination between Banc of America Leasing & Capital, LLC, 2059 Northlake Parkway, 4 South, Tucker, GA 30084, and DAK Americas LLC, 6324 Fairview Road, Charlotte, NC 28210, covering 267 covered hopper cars numbered DAKX 45001-45037, inclusive, 45039-45060, inclusive, 45062-45081, inclusive, 45083-45093, inclusive, 45095-45146, inclusive, 45148-45184, inclusive, 45186-45252, inclusive, and 45254-45274, inclusive; and 13 tank cars numbered DAKX 29902, 29911-29917, inclusive, and 29919-29923, inclusive.

Very truly yours,

Louis E. Gitomer (AEL)

Louis E. Gitomer

MAY 29 '09 -11 4 5 AM

SURFACE TRANSPORTATION BOARD

LEASE TERMINATION

This Lease Termination dated as of May 28, 2009 is between Banc of America Leasing & Capital, LLC, successor-by-merger to Fleet Capital Corporation, as Lessor, and DAK Americas LCC, as Lessee.

WHEREAS, Lessor and Lessee entered a Memorandum of Master Equipment Lease Agreement dated as of July 24, 2003, as it relates to Lease Schedule No. 36063-00001 (the "Lease") between Fleet Capital Corporation, as lessor, and DAK Americas LLC, as lessee, which was recorded at the Surface Transportation Board under Recordation No. 24582 at 11:25 am on August 28, 2003 for 267 covered hopper cars numbered DAKX 45001-45037, inclusive, 45039-45060, inclusive, 45062-45081, inclusive, 45083-45093, inclusive, 45095-45146, inclusive, 45148-45184, inclusive, 45186-45252, inclusive, and 45254-45274, inclusive, and 13 tank cars numbered DAKX 29902, 29911-29917, inclusive and 29919-29923, inclusive (the "Equipment");

WHEREAS, The rights, interests and obligations of Lessor and Lessee under the Lease have been fulfilled; and

WHEREAS, Lessor and Lessee have agreed to terminate the Lease as of October 12, 2004.

NOW, THEREFORE, in consideration of the premises, Lessor and Lessee hereby acknowledge and confirm for the public record the termination of the Lease, and all rights and obligations arising under the Lease with respect to the Equipment.

This Lease Termination may be executed in separate counterparts, each of which when so executed and delivered shall be an original for all purposes, but all such counterparts shall constitute but one and the same instrument.

IN WITNESS WHEREOF, Lessor and Lessee have executed or caused this Lease Termination to be duly executed as of the date first above written.

Banc of America Leasing & Capital, LLC
as Lessor

By: Catherine R. Warren
Its: Vice President

DAK Americas LLC
as Lessee

By: 

Its: Attorney-in-Fact

By: 

Its: Attorney-in-Fact

STATE OF MASSACHUSETTS)

County of Suffolk)

ss.

On this 28 day of May 2009, before me appeared Annemarie L. Warren, the person who signed this instrument, who acknowledged that (s)he is the Vice President of Banc of America Leasing & Capital, LLC and that, being duly authorized, (s)he signed such instrument as a free act on behalf of said corporation.

Alicia C. Olden
Notary Public

My Commission expires

11/7/2014

